THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21161 of 2006

05.3.2007

Between:

P.V.V.Satyanarayana Raju, S/o.Venkatarama Raju
And another

… Petitioners

AND

Gram Panchayat, Pallipalem, Kajuluru Mandal, East Godavari District
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21161 of 2006

ORDER:

The two petitioners are residents of Pallipalem Gram Panchayat of Kajuluru Mandal in East Godavari District. They are allegedly own small extents of lands in survey No.445/2A situated in the said village. They allege that the first respondent is taking steps to interfere with the possession in the guise of clearing road margins and did not issue any notice before doing so. According to the petitioner on 09.10.2006 the first respondent along with the staff visited the land and therefore the instant writ petition is filed.

This Court while ordering notice before admission, on 11.10.2006, ordered *status quo*. In spite of the same, learned Standing Counsel for the Gram Panchayat is not able to get instructions. Ms.Hema, representing Sri M.Prabhakara Rao, learned Standing Counsel, submits that the respondents were addressed letters on 14.10.2006 and 13.12.2006 and in spite of the same, no instructions are received. Therefore, instead of keeping the writ petition pending, the same can be disposed of. This Court observes that even if there is an encroachment by the petitioners on the road margin unless and until proper notice is issued under Section 98 of A.P. Panchayat Raj Act, 1994, the petitioners' possession cannot be disturbed without due process of law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

March 05, 2007
YS